

# HOUSE BILL 172

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CF SB 344

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By: **Delegate Kipke**

Introduced and read first time: January 25, 2012

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Local Anesthesia**

3 FOR the purpose of authorizing a dental hygienist to administer certain local  
4 anesthesia by inferior alveolar nerve block under certain circumstances;  
5 requiring a dental hygienist to complete certain education and examination  
6 requirements before performing certain functions; requiring a dental hygienist  
7 to obtain certain education from an accredited dental hygiene program;  
8 requiring a dental hygienist who completed certain requirements before a  
9 certain date to take and complete a certain course and clinical examination;  
10 authorizing the State Board of Dental Examiners to adopt certain regulations;  
11 requiring the Board to report to certain committees of the General Assembly on  
12 or before a certain date; altering a certain definition; and generally relating to  
13 the administration of local anesthesia by dental hygienists.

14 BY repealing and reenacting, without amendments,  
15 Article – Health Occupations  
16 Section 4–101(a)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Health Occupations  
21 Section 4–101(k) and 4–205(a)(1)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article – Health Occupations  
3 Section 4–206.3  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2011 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Health Occupations**

9 4–101.

10 (a) In this title the following words have the meanings indicated.

11 (k) “Practice dental hygiene” means to:

12 (1) Perform a preliminary dental examination;

13 (2) Perform a complete prophylaxis, including the removal of any  
14 deposit, accretion, or stain from the surface of a tooth or a restoration;

15 (3) Polish a tooth or a restoration;

16 (4) Chart cavities, restorations, missing teeth, periodontal conditions,  
17 and other features observed during preliminary examination, prophylaxis, or  
18 polishing;

19 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

20 (6) Take a dental X ray;

21 (7) Perform a manual curettage in conjunction with scaling and root  
22 planing;

23 (8) Administer local anesthesia in accordance with § 4–206.1 **OR §**  
24 **4–206.3** of this title;

25 (9) Monitor, in accordance with § 4–206.2 of this title, a patient to  
26 whom nitrous oxide is administered; or

27 (10) Perform any other intraoral function that the Board authorizes by  
28 a rule or regulation adopted under § 4–206 of this title.

29 4–205.

- 1           (a)    In addition to the powers set forth elsewhere in this title, the Board may:
- 2                   (1)    Adopt regulations governing:
- 3                           (i)    The administration of general anesthesia by a licensed  
4 dentist;
- 5                           (ii)   The administration of sedation by a licensed dentist;
- 6                           (iii) The use of a dental assistant by a licensed dentist in  
7 performing intraoral procedures;
- 8                           (iv)   Subject to subsection (b) of this section, the issuance of a  
9 permit to a facility not otherwise regulated where a dentist administers or has general  
10 anesthesia or sedation administered;
- 11                           (v)   Subject to subsection (b) of this section, the issuance of a  
12 permit to a dentist who administers or has general anesthesia or sedation  
13 administered;
- 14                           (vi)   Reasonable requirements for the training and evaluation of  
15 a dentist before the dentist may administer general anesthesia or sedation other than  
16 nitrous oxide administered alone and not in conjunction with:
- 17                                   1.    Another method of diminishing or eliminating pain; or
- 18                                   2.    Medication used for diminishing or eliminating  
19 anxiety;
- 20                           (vii) Reasonable requirements for:
- 21                                   1.    The education, training, evaluation, and examination  
22 of a dental hygienist before the dental hygienist may perform manual curettage in  
23 conjunction with scaling and root planing; and
- 24                                   2.    Performance by a dental hygienist of manual  
25 curettage in conjunction with scaling and root planing;
- 26                           (viii) Reasonable requirements for:
- 27                                   1.    The education, training, evaluation, and examination  
28 of a dental hygienist before the dental hygienist may administer local anesthesia  
29 under § 4–206.1 of this subtitle; and
- 30                                   2.    Administering by a dental hygienist of local  
31 anesthesia under § 4–206.1 of this subtitle;

1 (ix) Reasonable requirements for:

2 1. The education, training, evaluation, and examination  
3 of a dental hygienist before a dental hygienist may monitor a patient to whom nitrous  
4 oxide is being administered, subject to § 4–206.2 of this subtitle; and

5 2. Monitoring by a dental hygienist, in accordance with §  
6 4–206.2 of this subtitle, of a patient to whom nitrous oxide is being administered;

7 **(X) REASONABLE REQUIREMENTS FOR THE EDUCATION,  
8 TRAINING, EVALUATION, AND EXAMINATION OF A DENTAL HYGIENIST BEFORE A  
9 DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY INFERIOR  
10 ALVEOLAR NERVE BLOCK UNDER § 4–206.3 OF THIS SUBTITLE;**

11 ~~[(x)]~~ **(XI)** The discipline of a holder of any facility or  
12 administration permit for the administration of general anesthesia or sedation; and

13 ~~[(xi)]~~ **(XII)** The release of patient dental records;

14 **4–206.3.**

15 **(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS  
16 SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY  
17 INFERIOR ALVEOLAR NERVE BLOCK FOR THE PURPOSE OF ANESTHETIZING  
18 SOFT TISSUE TO FACILITATE THE PERFORMANCE OF DENTAL HYGIENE  
19 PROCEDURES, BUT NOT AS A MEDICAL SPECIALTY, PROVIDED THE  
20 ADMINISTRATION OF THE LOCAL ANESTHESIA IS UNDER THE SUPERVISION OF A  
21 DENTIST WHO:**

22 **(1) IS PHYSICALLY PRESENT ON THE PREMISES; AND**

23 **(2) PRESCRIBES THE ADMINISTRATION OF LOCAL ANESTHESIA  
24 BY THE DENTAL HYGIENIST.**

25 **(B) (1) BEFORE A DENTAL HYGIENIST MAY ADMINISTER LOCAL  
26 ANESTHESIA UNDER SUBSECTION (A) OF THIS SECTION, THE DENTAL HYGIENIST  
27 SHALL SUCCESSFULLY COMPLETE THE FOLLOWING:**

28 **(I) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY  
29 THE BOARD; AND**

30 **(II) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED  
31 BY THE BOARD.**

1           **(2) A DENTAL HYGIENIST SHALL OBTAIN THE EDUCATION**  
2 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM AN ACCREDITED**  
3 **DENTAL HYGIENE PROGRAM.**

4           **(3) A DENTAL HYGIENIST WHO SUCCESSFULLY COMPLETED THE**  
5 **EDUCATION REQUIREMENTS AND EXAMINATION REQUIRED UNDER PARAGRAPH**  
6 **(1) OF THIS SUBSECTION BEFORE OCTOBER 1, 2011, SHALL TAKE AND**  
7 **SUCCESSFULLY COMPLETE A REFRESHER COURSE AND A CLINICAL**  
8 **EXAMINATION FROM AN ACCREDITED DENTAL HYGIENE PROGRAM.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
10 2015, the State Board of Dental Examiners shall report to the Senate Education,  
11 Health, and Environmental Affairs Committee and the House Health and Government  
12 Operations Committee, in accordance with § 2-1246 of the State Government Article,  
13 on the implementation of this Act and how the Act has impacted the dental profession.

14           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.